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10/823,018

04/12/2004

Tony Van Nguyen

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06/14/2006

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EXAMINER

COOLMAN, VAUGHN

ART UNIT

PAPER NUMBER

3618

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/823,018

Applicant(s)

NGUYEN, TONY VAN

Examiner

Vaughn T. Coolman

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

Claims 1, 3, and 7 are objected to because of the following informalities:

A. the wording of lines 13 and 14 of claim 1 is slightly confusing – specifically the phrase “of said mount to a mounted position to said angular skid bracket”. Examiner respectfully suggests that applicant edit claim 1 to read similar to claim 16, which is clear in its wording of the limitation wherein “of said mount in a mounted position to said angular skid bracket”;

B. line 7 of claim 3 appears to contain a typographical error – a repeat of the term “of said”;

C. line 5 of claim 7 appears to contain a spelling error of the word “nut” as “not”.

D. claim 18, lines 9-12 on page 28 are confusing in the phrasing and wording. It is unclear what applicant means by the phrase “at a compressed force”. Examiner respectfully suggests using a more conventional phrase such as “experiencing/being subject to/undergoing a compressive force”. Furthermore, it is the opinion of the examiner that in line 10 a comma placed between the words “bracket” and “with” would clarify the structural limitations being claimed.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7-12 and 16-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 positively recites the limitation “said [nut] rotatable to a compressed position upon said topwall”. Examiner does not understand the “compressed position” fully. Is it the nut, the topwall, or neither that is compressed? As best understood by the examiner, the rotation of the nut upon the topwall causes a force reaction between threads of the bolt, topwall, and nut prohibiting, or at least discouraging relative rotational movement between the bolt and the topwall.

Claims 8-12 positively recite the limitation “said bottom surface” in line 3. Examiner respectfully suggests that the term “said bottom surface” is indefinite due to the previous recitation of “a bottom surface” of the angular skid bracket in claim 2. Clarification of which bottom surface being claimed in line 3 of the claims in question is required.

Claims 8-12 recite the limitation "said support member" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claims 8-12 positively recite the limitation “said contact point” in line 8 of each claim. Examiner respectfully suggests that the term “said contact point” is indefinite due to the previous recitation of “a contact point on a top surface” of the angular skid bracket in claim 3. Clarification of whether this contact point is the same as that recited in claim 3 is required. Furthermore, examiner wonders how the contact point can simultaneously be located on, or in contact with, both the top surface of the angular skid bracket and the top surface of the wedge.

Claim 16 positively recites the limitation “said mounted position” of the roller in line 6 of page 27. Examiner respectfully suggests that the term “said mounted position” is indefinite due to the previous recitation of “a mounted position” of the mount recited in lines 21-22 of page 26. Clarification of which mounted position being claimed is required.

Claim 16 recites the limitation "said roller" in lines 4-5, 6, and 7 of page 27. There is insufficient antecedent basis for this limitation in the claim. Claim 16, line 12 of page 26 positively recites “at least one roller”, and the language recited later in the claim appears to limit the apparatus to one roller.

Claim 21 recites the limitation "said roller" in lines 15 and 16 of page 29. There is insufficient antecedent basis for this limitation in the claim. Claim 21, line 8 of page 29 positively recites “at least one roller”, and the language recited later in the claim appears to limit the apparatus to one roller.

All claims not described above are rejected as depending from a rejected base claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-6, 14, and 16-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Paktron Industries model #10-2201 bolt-on skid wheels (referred to herein as “Paktron 2201”) as described on the company’s website.**

**[claim 1]** Paktron 2201 discloses a drag wheel apparatus adapted for cooperative engagement with an angular skid bracket engaged upon the rear of a vehicle used for travel over a road surface (description of product), including:

- at least one roller (wheels) having a circumferential surface (inherent);
- a mount (u-shaped bracket)
  - said mount having a first sidewall (shown), said first sidewall having an attachment end, a mid portion, and a distal end opposite said attachment end;
  - said mount having a second sidewall (shown), said second sidewall having an attachment end, a mid portion, and a distal end opposite said attachment end;
  - a topwall engaged to said first sidewall and second side wall at their respective attachment ends (base of u-shape);
- means for compressible engagement (bolt and nut assembly shown in picture) of said mount to a mounted position to said angular skid bracket, without altering said angular skid bracket; said distal ends of said first sidewall and said second sidewall extending below (shown in picture) said angular skid bracket when said mount is in said mounted position; and
- means for rotational engagement (bolt/axle shown) of said roller to at least one of said first and said second sidewall, with said circumferential surface projecting beyond said distal ends of said sidewalls (shown in picture).

**[claim 2]** Paktron 2201 further shows said means for compressible engagement of said mount to said angular skid bracket in a mounted position having a support pin (axle bolt) removably engageable between said first sidewall and said second sidewall at said mid portion; and means to force (bolts) said topwall away from said angular skid bracket and concurrently compress said support pin against a bottom surface of said angular skid bracket (shown in picture).

**[claim 3]** Paktron 2201 further shows said means to force said topwall away from said angular skid bracket including: an elongated member (bolt) translatably engaged through said topwall, said elongated member having an adjustment end (uppermost) and a distal end (lowermost) opposite said adjustment end; and said distal end of said elongated member translatable toward said distal ends of said sidewalls, to a compressed engagement with a contact point on a top surface of said angular skid bracket opposite said bottom surface (shown in picture).

**[claim 4]** Paktron 2201 further shows means to lock (nut and washer in picture) said distal end of said elongated member in said compressed engagement with said contact point.

**[claims 5 and 6]** Paktron 2201 further shows said elongated member being a bolt, said bolt threadably engaged through said topwall; and rotation of said bolt in a first direction causing said distal end of said bolt to translate toward said contact point. Examiner notes that, as shown in the picture of Paktron, the device disclosed would not be operable unless the bolt was threadably engaged through the topwall. The topwall appears to be offset and not in contact with the angular skid bracket, for this to happen the bolt must be threadably engaged through the topwall.

**[claim 14]** Paktron 2201 also discloses the angular skid bracket being substantially triangular in shape. Examiner notes that this shape for an angular skid bracket is old and well known in the art as evidenced by the applicant's admission on page 2, first paragraph.

**[claim 16]** Paktron 2201 discloses a drag wheel apparatus adapted for cooperative engagement with an angular skid bracket engaged upon the rear of a vehicle used for travel over a road surface, including:

- at least one roller having a circumferential surface;
- a mount
  - said mount having a first sidewall, said first sidewall having an attachment end, a mid portion, and a distal end opposite said attachment end;
  - said mount having a second sidewall, said second sidewall having an attachment end, a mid portion, and a distal end opposite said attachment end;
  - a topwall engaged to said first sidewall and second side wall at their respective attachment ends;
- means for compressible engagement of said mount in a mounted position to said angular skid bracket, with said angular skid bracket positioned between said first sidewall and said second sidewall (shown in picture), without altering said angular skid bracket;
- said distal ends of said first sidewall and said second sidewall extending below said angular skid bracket when said mount is in said mounted position;



- an axle (shown in picture), said axle cooperatively engageable through said roller and with said first sidewall and said second sidewall thereby engaging said roller to a mounted position;
- said roller when in said mounted position having said circumferential surface projecting beyond said distal ends of said sidewalls (shown).

[claim 17] Paktron 2201 further shows said means for compressible engagement of said mount to said angular skid bracket in a mounted position, including: said angular skid bracket having a bottom surface opposite said top surface; a support pin (axle bolt) removably engageable between said first sidewall and said second sidewall at said mid portion and adjacent to said bottom surface (shown in picture); and means to force (vertical bolt) said topwall away from said angular skid bracket and concurrently compress said support pin against said bottom surface of said angular skid bracket.

[claim 18] Paktron 2201 further shows said means to force said topwall away from said angular skid bracket including: an elongated member (vertical bolt) translatably engaged through said topwall, said elongated member having an adjustment end (uppermost end) and a distal end opposite said adjustment end; and said distal end of said elongated member translatable toward support pin, to a compressed engagement with a contact point, said contact point being located on said top surface of said angular skid bracket, whereby translation of said elongated member compressibly engages said angular skid bracket, with said angular skid bracket at [experiencing] a [compressive] force between said distal end of said elongated member and said support pin.

[claim 19] Paktron 2201 further shows said elongated member being a bolt, said bolt threadably engaged through said topwall; rotation of said bolt in a first direction causing said

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distal end of said bolt to translate toward said contact point; and continued rotation of said bolt in said first direction after said distal end contacts said contact point causing a proportional increase in said compressed force. Examiner notes that the proportional increase in compressive force is an inherent result of the continued rotation of the bolt after contact has been established with the angular skid bracket. Examiner notes that, as shown in the picture of Paktron, the device disclosed would not be operable unless the bolt was threadably engaged through the topwall. The topwall appears to be offset and not in contact with the angular skid bracket, for this to happen the bolt must be threadably engaged through the topwall, and the bolt must be in contact with the bracket.

**[claim 20]** Paktron further shows his apparatus including locking means (nut and washer in picture) to removably fix said bolt in said compressed engagement with said contact point.

**[claim 21]** Paktron discloses (see picture) a drag wheel apparatus adapted for cooperative engagement with an angular skid bracket engaged upon the rear of a vehicle used for travel over a road surface, including:

- at least one roller having a circumferential surface;
- a mount,
  - said mount having at least one vertical sidewall said sidewall having an attachment end and a distal end;
  - a topwall engaged to said sidewall at said attachment end;
- means for compressible engagement of said mount to a mounted position on said angular skid bracket, without altering said angular skid bracket;

- means for rotational engagement of said roller to said sidewall, with said circumferential surface of said roller projecting beyond said distal end of said sidewall.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paktron 2201.**

[claim 7] Paktron 2201 further shows said means to lock said distal end of said elongated member in said compressed engagement with said contact point including: a nut (shown in picture) rotationally engaged upon said bolt; similar to the situation described above, and as best understood by the examiner, the picture appears to show said nut being rotatable to a compressed position in indirect contact with said topwall once said distal end of said bolt is in said compressed engagement with said contact point.

Paktron does not disclose the nut being “upon”, or in contact with, the topwall. It is old and well known and would be obvious to one of ordinary skill in the art at the time the invention was made to manufacture the assembly shown by Paktron 2201 without the washer interposed between the nut and the topwall. Paktron 2201 is silent as to the reason for including the interposed washer, and the examiner contends that the assembly would operate in the manner claimed by the applicant without said washer.

**Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paktron 2201 in view of Gilbert (U.S. Patent No. 3,950,899).**

[claims 8-12] Paktron 2201 discloses all of the elements of the claimed invention as described above except for a wedge block being positionable between the distal end of the elongated member and the top surface of the angular skid bracket.

Gilbert teaches (see FIGS 4-8) a wedge block (41B) having a top surface (FIG 7 – surface at the interface between 41B and 42B) and a bottom surface (FIG 7 – surface at the interface between 41B and 24B); said bottom surface dimensioned to substantially the shape of a top surface of a planar member (50); said wedge block positionable between said distal end of an elongated member (42B) and said top surface of a planar member (50); and a contact point (41B-42B interface) being on said top surface of said wedge block and said bottom surface of said wedge block being engaged with said top surface of said planar member (50) when said distal end of said elongated member is in compressed engagement (as 42B is tightened – analogous to tightening the bolt of Paktron 2201).

Examiner notes that the orientation of the blade holder taught by Gilbert determines the designation of the surfaces of the wedge block as being “top” or “bottom”. The blade holder is obviously capable of being used in a manner such that the axial centerline of elongate member (42B) is disposed in a vertical orientation.

The combination would further disclose both the wedge block being positionable between said distal end of said elongated member and said top surface of said angular skid bracket and said bottom surface of said wedge block being engaged with said top surface of said

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angular skid bracket when said distal end of said elongated member is in a compressed engagement. The blade (50) of Gilbert is analogous to the angular skid bracket. Obviously, the bolt (42B) is analogous to the vertical bolt of Paktron 2201. Gilbert is analogous art because Gilbert is concerned with clamping a planar member using a bolted assembly.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus shown by Paktron 2201, with the wedge block as taught by Gilbert, since such a modification would provide the advantage of distributing the force applied by the distal end of the elongate member over a greater area on the top surface of the angular skid bracket, thereby lessening damage that might result from the compressed engagement of the elongate member on said top surface.

**[claim 13]** Paktron 2201 discloses all of the elements of the claimed invention as described above including said angular skid bracket having a top surface (shown in picture).

Paktron 2201 does not disclose a wedge block being positionable between the topwall of the mount and the top surface of the angular skid bracket.

Gilbert teaches (see FIGS 4-8) a wedge block (41B) having a top surface (FIG 7 – surface at the interface between 41B and 42B) and a bottom surface (FIG 7 – surface at the interface between 41B and 24B); said bottom surface dimensioned to substantially the same shape of a top surface of a planar member (50); said wedge block being positionable between a fixed shaft (21) and said top surface of a planar member (50).

Examiner notes that the orientation of the blade holder taught by Gilbert determines the designation of the surfaces of the wedge block as being “top” or “bottom”. The blade holder is

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obviously capable of being used in a manner such that the axial centerline of elongate member (42B) is disposed in a vertical orientation.

The combination would further disclose both the wedge block being positionable between said topwall and said top surface of said angular skid bracket when said mount is in said mounted position and substantially all of said bottom surface of said wedge block being in contact with said top surface of said angular skid bracket. The blade (50) of Gilbert is analogous to the angular skid bracket. The shaft (21) of Gilbert is analogous to the topwall in that it performs a substantially similar function. Obviously the bolt (42B) is analogous to the vertical bolt, or means for compressible engagement, of Paktron 2201. Gilbert is analogous art because Gilbert is concerned with clamping a planar member using a bolted assembly.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus shown by Paktron 2201, with the wedge block as taught by Gilbert, since such a modification would provide the advantage of distributing the force applied by a distal end of the vertical bolts of Paktron 2201 over a greater area on the top surface of the angular skid bracket, thereby lessening damage that might result from the compressed engagement of the vertical bolts on said top surface.

[claim 15] Paktron 2201 also discloses the angular skid bracket being substantially triangular in shape. Examiner notes that this shape for an angular skid bracket is old and well known in the art as evidenced by the applicant's admission on page 2, first paragraph.

### *Conclusion*

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tallman (U.S. Patent No. 993,805) teaches a wedge block having a bottom surface that mates with a top surface of an angular skid bracket with substantially all of the bottom surface in contact with said top surface.

Paktron Industries models 10-4202 and 10-4203 teach rollers placed between sidewalls of a mount for attachment to an angular skid bracket (shown in picture).

Meiners (U.S. Patent No. 1,163,354) teaches a roller mounted between sidewalls including a spring clip as attachment means for the roller to an axle.

Edwards (U.S. Patent No. 5,184,840), Ford (U.S. Patent No. 5,695,204), and Saunders (U.S. Patent No. 3,271,050) teach rollers for hitch bars including rollers installed between sidewalls.

Mattson (U.S. Patent No. 3,734,532), Whitley Jr. (U.S. Patent No. 3,883,159), and DeGeere (U.S. Patent No. 3,217,478) teach rollers for attachment to vehicles wherein the roller is installed between sidewalls and the vehicle is not altered. Whitley and DeGeere also show their attachments being attached by means of compressible engagement including a bolt and DeGeere further includes a nut for locking said bolt in compressed engagement.

Keller (U.S. Patent No. 5,509,681) and Lim (U.S. Patent No. 6,880,852 B2) teach roller assemblies being attached to angular skid brackets by means of compressible engagement without damaging the brackets.

Lay (U.S. Patent No. 5,813,687) teaches a roller assembly wherein the roller is attached to at least one sidewall and the roller assembly is attached to a vehicle by means of compressible engagement without altering said vehicle.

MacKarvich (U.S. Patent No. 5,316,329) teaches a wedge block that is utilized in a substantially similar application to the instant application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vaughn T. Coolman whose telephone number is (571) 272-6014. The examiner can normally be reached on Monday thru Friday, 8am-6pm EST.

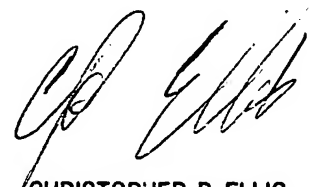
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
06/07/06

Travis Coolman  
Examiner  
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